

Remarks

Claims 1-56 were pending in the application and all of the pending claims were rejected for reasons discussed below. In order to expedite prosecution of the application all of the pending claims have been canceled without prejudice or disclaimer to the subject matter contained therein. Claims 57-80 have been added. Claims 57, 72 and 78 are the independent claims after entry of the amendment.

The Examiner objected to claims 12, 28 and 37 for various informalities. The claims have been canceled without prejudice or disclaimer to the subject matter contained therein. It is submitted that the objections are not applicable to the newly added claims. Accordingly, the Applicant submits that the objection should be withdrawn.

The Examiner rejected:

- claims 1-4, 6, 8-10, 13-17, 23, 24, 26, 27, 31, 38, 41-45 and 47-51 under 35 USC 102(b) as being anticipated by *Maissel et al.* (PCT Publication WO 99/01984);
- claims 5, 7, 32, 39 and 46 under 35 USC 103(a) as being unpatentable over *Maissel et al.* in view of *Alexander et al.* (US Patent 6,177,931);
- claims 20-22, 25, 28-30, 33, 34, 36, 37, 54 and 55 under 35 USC 103(a) as being unpatentable over *Maissel et al.* in view of *Knee* (US Publication 2002/0095676);
- claims 35 and 56 under 35 USC 103(a) as being unpatentable over *Maissel et al.* in view of *Knee* and *Alexander et al.*;
- claims 18, 19, 52 and 53 under 35 USC 103(a) as being unpatentable over *Maissel et al.* in view of *Lawler* (US Patent 5,758,259);

- claim 11 under 35 USC 103(a) as being unpatentable over *Maissel et al.* in view of *Zigmond et al.* (US Patent 6,571,392);
- claim 12 under 35 USC 103(a) as being unpatentable over *Maissel et al.* in view of *Goldman et al.* (US Publication 2003/0135853); and
- claim 40 under 35 USC 103(a) as being unpatentable over *Maissel et al.* in view of *Herz* (US Patent 6,029,195).

The pending claims were canceled without prejudice or disclaimer to the subject matter contained therein. It is submitted that the new claims are patentable over the cited references for at least the following reasons.

Independent claim 57 is directed to a method for customizing Electronic Program Guide (EPG) screens for a subscriber. The method includes monitoring viewing activities of a subscriber. Heuristic rules related to at least some subset of the subscriber viewing activities are retrieved. The heuristic rules associate viewing activities to demographic characteristics. The subscriber viewing transactions are processed to generate a subscriber profile that includes projected demographic characteristics of the subscriber. The processing includes applying at least some subset of the heuristic rules to at least some subset of the viewing activities to generate the projected demographic characteristics. An EPG screen is customized for the subscriber based at least partially on the projected demographic characteristics. The EPG screen is presented to the subscriber.

It is submitted that none of the cited references disclose, teach or suggest the embodiment recited in claim 57. For example, none of the references disclose, teach or suggest heuristic rules that associate viewing activities to demographic characteristics, or applying the heuristic rules the viewing activities to generate projected demographic characteristics.

As defined in the application, the heuristic rules may be logical rules or may be rules expressed in terms of conditional probabilities. Fig. 7A and the associated text at page 23, lines 9-29 illustrate and describe exemplary logical heuristic rules. For example,

the heuristic rules equate an individual watching the soap opera "Days of our lives" with a housewife (750). The heuristic rules also equate higher frequency of channel changes to higher income, as illustrated a user who zaps once every 2 minutes and 42 seconds is associated with an income of greater than \$75,000 (710). Fig. 7B and the associated text from page 23, line 30 – page 24, line 7 illustrate and describe exemplary probabilistic heuristic rules. The exemplary heuristic rules define probabilities of demographic make-up of a user based on the category of programming they are viewing. For example, the heuristic rules assign an individual watching the news a 40% probability of being over the age of 70, a 40% probability of making between \$50K - \$100K, a 50% of being a single member family, and a 70% chance of being female. It is clear that the exemplary heuristic rules described in the application are related to viewing characteristics (e.g., watching soap opera, watching the news) and predict demographic traits (e.g., housewife, 40% probability of income between \$50K - \$100K).

As illustrated in Fig. 9 of the application, the subscriber profile identifies demographic characteristics about the subscriber (e.g., age, gender). As illustrated, the profile includes a probabilistic distribution of the likelihood of the subscriber being within different demographic segments (e.g., 0-10, 10-18) for each demographic characteristic (e.g., age), though the claim clearly does not limit the scope thereto.

The Applicant respectfully submits that for at least these reasons claim 57 is submitted to be patentable over the cited references. Claims 58-71 depend from claim 57 and are therefore submitted to be patentable over the cited references for at least those reasons described with respect to claim 57 and for the further features recited therein.

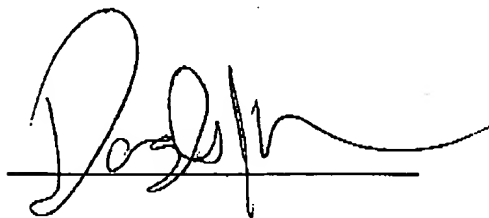
Independent claims 72 and 78 are submitted to be patentable over the cited references for at least similar reasons to those discussed with respect to claim 57. Claims 73-77 and 79-80 depend from claims 72 and 78 respectively and are therefore submitted to be patentable over the cited references for at last the reasons discussed with respect to the independent claims and for the further features recited therein.

Conclusion

For the foregoing reasons, Applicant respectfully submits that claims 57-80 are in condition for allowance. Accordingly, early allowance of claims 57-80 is earnestly solicited.

If the Examiner believes that a conference would be of value in expediting the prosecution of this Application, the Examiner is hereby invited to contact the undersigned attorney to set up such a conference.

Respectfully submitted;

A handwritten signature in black ink, appearing to read 'Douglas J. Ryder', is written over a horizontal line.

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